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Date: **December 6, 2007**

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SUBJECT: **Response**

Serial No.: **U.S. Patent Application 10/826,207, filed April 16, 2004**

I hereby certify that a response is being transmitted to the Central Facsimile Number, at the U.S. Patent and Trademark Office (Fax No. (571) 273-8300) on December 6, 2007.

December 6, 2007	**Jan Hostasa**
(Date of Deposit)	**(Name of Depositor)**

Jan Hostasa
(Signature)

Attorney Docket No.: 25341A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Jerry H. C. Lee et al.	)	
Serial No.: 10/826,207	)	Group Art Unit: 1771
Confirmation No. 1155	)	
Filed: April 16, 2004	)	Examiner: Matthew Matzek
For: Roof Coverings Having Improved Tear Strength	)	

REMARKS ACCOMPANYING DECLARATION UNDER 37 CFR 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please consider the following remarks along with the Declaration of Jerry H.C. Lee under 37 CFR 1.132 in response to the final Office Action mailed June 12, 2007.

Amended claim 9 of the present patent application recites from about 0.1% to about 5% by weight of elemental sulfur added to the asphalt-based coating material of a roof covering, and the fibers of a roofing mat of the roof covering coated with a sizing including a bonding material that bonds to the fibers and that also bonds to the added sulfur. The claim states that the tear strength of the roof covering is improved by at least about 5% compared to the same roof covering without the bonding material in the sizing and the sulfur added to the coating material.

In his Declaration, Mr. Lee describes performing a set of experiments. Roofing shingles were produced in which one-half of the shingles had 0.2 wt% elemental sulfur added to the coating asphalt while the other half did not include the added sulfur. The glass fibers of the roofing mat were coated with a vinyl silane that bonds to the fibers and also to the added sulfur. The roofing shingles were measured for tear strength.

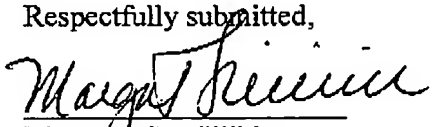
Mr. Lee states that the data clearly show that a combination of a small amount of elemental sulfur added to the coating asphalt and a vinyl silane used in the sizing formulation significantly improve the tear strength of roofing shingles.

Mr. Lee further states that in his opinion it was a surprising and unexpected result to achieve the significant improvements in tear strength shown in the experiments and recited in claim 9, as a result of the relatively small amounts of elemental sulfur added to the coating material used in the experiments and recited in claim 9. He states that he would not have expected the addition of these small amounts of sulfur to produce the significant tear strength improvements.

In the final Office Action, the invention now recited in amended claim 9 was rejected over Miller et al. in view of Marzocchi et al. and Williams et al., and further in view of Kennepohl et al. which was relied on for teaching the addition of elemental sulfur. However, Kennepohl et al. teaches that it is necessary to add between 10% and 55% sulfur by weight of the coating material in order to improve the fire resistance of the roof covering. In contrast, claim 9 recites the addition of only from about 0.1% to about 5% by weight of sulfur to the coating material in order to improve the tear strength of the roof covering. Mr. Lee has stated that the addition of this small amount of elemental sulfur produced an unexpected benefit in the tear strength. Therefore, it is respectfully submitted that claim 9 and its dependent claims are not obvious in view of the cited references.

If any fees are due in connection with the filing of this document, including any fee for a required extension of time under 37 CFR 1.136(a) for which Applicants hereby petition, please charge all necessary fees to deposit account no. 50-5068.

Respectfully submitted,



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Date: 12/6/07